

## **REMARKS**

Claims 1-4, 7-9, 11-12, and 14-24 were pending and rejected in an Office Action dated October 16, 2009. In response, claims 1-2, 17, 22, and 24 are amended, claims 12 and 20 are canceled, and claims 25-26 are added. Claims 1-4, 7-9, 11, 14-19, and 21-26 are pending upon entry of this amendment. These changes are believed not to introduce new matter, and their entry is respectfully requested. In view of the Amendments herein and the Remarks that follow, Applicant respectfully requests that Examiner reconsider all outstanding rejections, and withdraw them.

### **Response to Rejections Under 35 USC § 101**

The Examiner rejected claims 1-4, 7-9, 11, 12, 14, and 15 under 35 USC § 101 as being directed to non-statutory subject matter. The Examiner stated that the claims are not tied to a particular machine or apparatus. Independent claim 1 has been amended to specify that the method is implemented on a computer and that “locating portions of the electronic message ...” is performed by a processor of the computer. As a result, claim 1 and dependent claims 2-4, 7-9, 11, 14, and 15 are tied to an apparatus and are statutory subject matter.

The Examiner also rejected dependent claim 22 as being directed to non-statutory subject matter. The claim has been amended to recite a “computer-readable storage medium” as recommended by the Examiner.

### **Response to Rejections Under 35 USC § 103**

In the Office Action, the Examiner rejected claims 1-4, 7-9, 11-12 and 14-24 as being obvious under 35 USC § 103. Claims 1-3, 7-9, 11, 12, and 14-23 were rejected in

view of U.S. Patent No. 6,842,773 (“Ralston”) and U.S. Patent No. 5,751,847 (“Wuyts”).

Claim 4 was rejected in view of Ralston, Wuyts, and U.S. Patent Publication No.

2002/0113801 (“Reavy”). Claim 24 was rejected in view of Ralston, Wuyts, and U.S.

Patent Publication No. 2002/0163527 (“Park”). These rejections are respectfully

traversed.

Claim 1 recites a method for countering spam that disguises characters within an electronic message, comprising:

- locating portions of the electronic message where a difference between foreground color and background color is negligible, the locating performed by a processor of the computer, the locating comprising:
  - determining whether at least one of the foreground color and the background color is a gray-scale color; and
  - responsive to at least one of the foreground color and the background color being a gray-scale color, deeming the difference between the colors to be negligible based on a comparison of saturation and brightness values of the colors regardless of hue values of the colors;**
- deleting from the electronic message foreground characters from said portions, to form a redacted electronic message; and
- forwarding the redacted electronic message to a spam filter.

(emphasis added)

As can be seen, the claim recites locating portions of the electronic message where the difference between foreground color and background color is negligible. This includes determining whether at least one of the foreground color and background color is a gray-scale color, and responsive to either color being gray-scale, deeming the difference between the colors to be negligible based on a comparison of saturation and brightness values of the colors regardless of the hue values of the colors. The located portions are then deleted from the electronic message. The claimed invention

beneficially takes into account that the difference between a gray-scale color and another color can be negligible even if the hue values of the colors are significantly different. Support in the specification is found, for example, on page 14, line 21 to page 15, line 4. Claims 16 and 18 contain similar language to claim 1, and all arguments presented below regarding claim 1 equally apply to these claims.

Claim 1 is not obvious in view of Ralston and Wuyts. Ralston discloses detecting and blocking bulk mail. Ralston mentions removing “hidden” information from a message, where “[h]idden information is anything that is not visible to the user when reading the message such as white text on a white background ...” but does not provide any further details on “hidden information” or the identification of such information (Ralston, col. 12, line 66 – col. 13, line 6). Wuyts discloses a method for determining a color of an object, but does not deal with comparing colors of objects.

Specifically, neither reference discloses “responsive to at least one of the foreground color and the background color being a gray-scale color, deeming the difference between the colors to be negligible based on a comparison of saturation and brightness values of the colors regardless of hue values of the colors.” The Examiner cites FIG. 5 and the Abstract of Wuyts as disclosing this element. However, as mentioned above, Wuyts is concerned with determining a color code of an object, not with comparing colors. Further, a grey color in Wuyts is determined purely based on its brightness value (Wuyts, FIG. 5 and column 4, lines 10-15). Although saturation is used to determine whether the color is gray (“colorless”) or non-gray, once this binary determination is made, a color code for a gray color is produced purely based on its brightness (Wuyts, FIG. 5). As shown in FIG. 5 of Wuyts, a grey color is classified as

“grey 1”, “grey 2”, “grey n”, or “white” based only on its brightness value. Saturation values are not taken into account when creating color codes identifying particular types of gray. Claim 1, on the other hand, recites “... a comparison of **saturation and brightness values** of the colors ...” for gray-scale colors. Since the color codes for gray colors in Wuyts are based only on the brightness values of the gray colors, the comparison of these color codes would result in the comparison of only brightness values and not saturation values.

Based on the above remarks, Applicants respectfully submit that for at least these reasons a person of ordinary skill in the art would not find invention as defined in claims 1, 16, and 18 to be obvious over the cited references. Therefore, Applicant respectfully requests that Examiner reconsider the rejection and withdraw it. As to dependent claims, because claims 2-4, 7-9, 11, 14-15, 17, 19, and 21-26 are variously depend on claims 1, 16, and 18, all arguments advanced above with respect to claims 1, 16, and 18 are hereby incorporated so as to apply to these dependent claims. Neither Reavy nor Park remedies the deficiencies of Ralston and Wuyts with respect to these arguments. Reavy discloses a system for improving the readability of text by modifying display characteristics of the text. Park discloses adjusting display monitor properties (e.g., contrast) based on a generated profile. Neither reference is concerned with comparing a gray-scale color with another color.

Claim 2 recites “setting a **negligibility threshold** such that, when the difference between foreground color and background color is below the negligibility threshold for a certain portion of the electronic message, said portion is invisible or nearly invisible to a typical human viewer of the electronic message.” The Examiner cites Ralston, FIG. 7A

and col. 12, line 63 – col. 13, line 15 as disclosing this element. However, as mentioned above, these portions of Ralston merely mention removing “hidden information” where “[h]idden information is anything that is not visible to the user when reading the message such as white text on a white background ...”. No further details are disclosed, such as how to detect this “hidden information”. In particular there is no mention of setting a negligibility threshold to be compared to a difference between foreground color and background color. Wuyts is not concerned with comparing one color to another, as mentioned above, and therefore does not disclose a negligibility threshold either. For these reasons, claim 2 is not obvious over the cited references (in addition to the reasons given regarding claim 1 above). Claim 23 further recites comparing a “color difference value” to the negligibility threshold and is not obvious over the cited references for similar reasons.

Applicant is adding new claims 25-26. Applicant asserts that these claims are supported by the specification and are not anticipated or obvious in view of any of the references cited by the Examiner.

Applicant respectfully invites Examiner to contact Applicant’s representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,

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